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Message Text

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PAGE 01 VIENNA 01692 01 OF 02 271349Z

45
ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 AF-06 ARA-06 EA-06 NEA-09 OIC-02

L-02 SS-15 NSC-05 SP-02 H-01 CIAE-00 DODE-00 INR-07

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R 271135Z FEB 75
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 4925
INFO USMISSION USUN NEW YORK
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E.O. 11652: N/A
TAGS: PORG, AORG, PDIP, UN, AU
SUBJECT: ACTIVITY BY COMMITTEE OF THE WHOLE DURING PERIOD
FEBRUARY 24 AND 25: UN 1975 RSIO CONFERENCE, VIENNA

REF: VIENNA 1600

SUMMARY: SWISS PROPOSED NEW ARTICLE IN PART III TO PRO-
VIDE FOR POSSIBILITY OF HOST AND SENDING STATES AGREEING
TO GIVE LATTER'S DEL TO CONFERENCE SAME STATUS AS ITS
PERMANENT MISSION, WHICH WAS REJECTED. US PROPOSAL TO
ARTICLE 54 CONCERNING ASSUMED CONSENT WAS ACCEPTED BY ONLY
ONE VOTE, MUCH CLOSER THAN IN PART II. COMMITTEE
ILLEGICALLY REJECTED AMENDMENT ARTICLE 58 PERMITTING
INSPECTION DELEGATION POUCH EVEN THOUGH ACCEPTED IN
ARTICLE 27. SUCH INCONGRUITIES REFLECT EVER-INCREASING
ADAMANT STANCE OF LATINS, GENERALLY SUPPORTED BY
AFRO-ASIA.END SUMMARY.

1. SWITZERLAND PUT FORTH NEW ARTICLE (REFTEL 1600)
PARA 7) TO PRECEDE OTHERS IN PART III WHICH WOULD HAVE
SPECIFIED THAT, PRIOR TO OUR DURING ORGAN OR CONFERENCE
SESSION, HOST STATE AND ORGANIZATION OR SENDING STATE
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PAGE 02 VIENNA 01692 01 OF 02 271349Z

MAY AGREE THAT STATUS OF PERMANENT MISSIONS APPLIES

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

TO DELEGATION CONCERNED. SEVERAL DELEGATIONS (GREECE, PHILIPPINES, YUGOSLAVIA) VOICED THEIR SUSPICIONS IN ENSUING LENGTHY DEBATE THAT ARTICLE ACTUALLY INTENDED TO REPLACE PART III, AND IN ANY CASE THAT ARTICLE AMBIGUOUS IN SCOPE AND IMPLICATIONS. SOVIETS WERE CLEARLY CONFUSED BY SWISS MOVE AND FINALLY CAME OUT AGAINST IT WITH ARGUMENT THAT IT WAS ALL PLOT TO DE-PRIVE DELEGATION OF FULL P & I. IN EXPLANATION OF VOTE US DEL NOTED THAT THERE WAS SOME UNCERTAINTY ON MEANING OF AMENDMENT. IT COULD HOWEVER SUPPORT INDIAN ORAL AMENDMENT WHICH SET FORTH BASIC CRITERIA.

FYI: SWISS HAD INTENDED BY ARTICLE TO ARGUE FOR DIMINISHED P & I IN REST OF PART III SO THAT PART III REFLECTED UN CONVENTION ON P & I. HOWEVER THEIR ARGUMENTS IN SUPPORT OF THEIR PROPOSAL WERE MORE TO EFFECT THAT PROPOSAL WOULD PERMIT MORE P & I AND INDEED THEY PICKED UP IDEA OF YUGOSLAVS AND SOVIETS TO EQUATE PARTS THREE AND TWO. US DEL BELIEVED THAT SIWSS PLOY WOULD BACKFIRE IF THEIR PROPOSAL CARRIED AND TONE OF DEBATE DID NOTHING TO REASSURE US.
END FYI. INDIANS PROPOSED
ORAL SUB-AMENDMENT TO DELETE PERMANENT MISSIONS AS STANDARD UPON WHICH TO BASE P & I GRANTED, AND REPLACE IT WITH REFERENCE TO NATURE, PURPOSE, DURATION OF CONFERENCE. AUSTRALIA, UK GAVE QUALIFIED SUPPORT WHILE ATTEMPTING TO MASK THEIR OWN MISGIVINGS ON PROPOSAL. SWISS VIGOROUSLY DEFENDED, IF EFFECT SAYING THEIR PROPOSED ARTICLE WOULD PERMIT FLEXIBILITY IN ACCORDING P & I TO DELEGA-TIONS BASED ON THEIR SIZE AND LENGTH OF SESSION.

VENEZUELA SEIZED ON MENTION DELEGATION SIZE TO GIVE PROPOSAL COUP DE GRACE BY EXPRESSING STRONG DISAPPROVAL OF DISCRIMINATION AGAINST SMALLER DELEGATIONS. INDIAN ORAL SUB-AMENDMENT DEFEATED 14(US)-24-29, AND ORIGINAL PROPOSAL AS WELL 16-29-20(US).

2. ARTICLE 51 (GENERAL FACILITIES).
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DUTCH PROPOSED TO ALTER FIRST SENTENCE ILC TEXT TO READ QUOTE ALL THE FACILITIES REQUIRED UNQUOTE SO AS TO BRING LANGUAGE IN LINE WITH THEIR EARLIER AMENDMENT ACCEPTED FOR ARTICLE 20. THIS QUICKLY ADOPTED 47(US)-0-8 WITH AMENDED ARTICLE PASSED 56(US)-0-1(ITALY).

3. ARTICLE 52 (PREMISES AND ACCOMMODATION).

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UK AND NETHERLANDS PUT FORTH AMENDMENT TO REVISE ILC TEXT TO HAVE BOTH HOST STATE AND THE ORGANIZATION SHARE RESPONSIBILITY IN ASSISTING DELEGATIONS AND TO REFLECT CHANGE MADE AT LATTER'S SUGGESTION TO COMPARABLE ARTICLE, 21, IN PART II. SPONSORS ACCEPTED SUB-AMENDMENT BY BYELORUSSIAN SSR AND PERU TO ADD THE CONFERENCE AS ONE OF ASSISTING PARTIES AND TO REDUCE ORGANIZATION'S ROLE TO A QUOTE WHERE NECESSARY UNQUOTE BASIS. SUBSTITUTE ARTICLE ADOPTED 56-1-7(US, FRANCE, CANADA, ITLY, BELGIUM).

4. ARTICLE 53 (ASSISTANCE IN RESPECT OF PRIVILEGES AND IMMUNITIES).
AUSTRIANS ACHIEVED UNANIMOUS ADOPTION THEIR PROPOSED PARAGRAPH TWO, WHICH PROVIDES THAT THE ORGANIZATION AND CONFERENCE SHALL ASSIST HOST STATE IN SECURING DISCHARGE OF SENDING STATE OBLIGATIONS CONCERNING P & I. AMENDMENT SIMILAR TO AUSTRIAN PROPOSAL ADOPTED FOR ARTICLE 22, WHICH INCLUDED US-INSPIRED SUB-AMENDMENT.

5. ARTICLE 54 (INVIOLABILITY OF THE PREMISES).
SAW FULL RE-RUN OF DEBATE ON ARTICLE 23. CONSIDERATION GIVEN AT SAME TIME TO FRENCH AMENDMENT RESTRICTING MEANING OF PREMISES OF THE DELEGATION, FOUND IN ARTICLE 1, PARAGRAPH 1. (27), TO DELEGATION OFFICES, WITH LAND ANCILLARY TO DELEGATION BUILDINGS AND ACCOMMODATION HEAD OF DELEGATION BEING BOTH EXCLUDED. FRENCH AMENDMENT PASSED 33(US)-18-22. SOVIETS AGAIN SOUGHT ABSOLUTE INVIOLABILITY. VOTE ON THEIR PROPOSAL, 25(SOVBLOC, INDIA, NIGERIA)-26(US, WEO, GUATEMALA, LIBERIA)-
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13(PHILIPPINES, TURKEY, INDONESIA), QUITE CLOSE THIS TIME DUE TO MALI ORAL SUB-AMENDMENT--ACCEPTED BY SOVBLOC--ENABLING HOST STATE TO SEEK PERMISSION FROM ANY MEMBER OF DELEGATION. US PROPOSED SAME AMENDMENT AS ADOPTED IN ARTICLE 24 (CONSENT ASSUMED IN CASE OF FIRE OR OTHER DISATER) WHICH WAS ACCEPTED 30(US, WEO)-19(OSVBLOC)-17(SPAIN). JAPAN, THAILAND, AND UK DELS OFFERED AMENDMENT TO ALTER PARA 2 TO REFER ONLY TO CIRCUMSTANCES WHERE DELEGATIONS REQUIRE SPECIAL PROTECTION. THIS AMENDMENT WAS ADOPTED 29(US, TUNISIA, WEO)-23 (SOVBLOC, SPAIN, LAS, EGYPT)-13. AMENDED ARTICLE PASSED 38(US, WEO, INDONESIA, ARGENTINA, BRAZIL, GREECE)-14(SOVBLOC, YUGOSLAVIA)-13(TURKEY, NIGERIA, SPAIN, MEXICO).

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PAGE 01 VIENNA 01692 02 OF 02 271402Z

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ACTION IO-10

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NSAE-00 PA-01 USIA-06 PRS-01 /092 W
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6. UK PROPOSED TO AMEND ARTICLE 55, (EXEMPTION OF THE PREMISES FROM TAXATION) TO SPECIFICALLY EXCLUDE FROM EXEMPTION IN PARA 1 ANY TAXES ON HOTEL OR SIMILAR ACCOMMODATION. IN EXEMPTION WOULD BE ADMINISTRATIVELY DIFFICULT, UK ARGUED, AND WOULD NOT BE IN KEEPING WITH ESTABLISHED PRACTICE. UK POINTED OUT THAT ALTHOUGH ILC COMMENTARY STATES ITS TEXT PARALLELS ARTICLE 24 AND IS MODELED ON ARTICLE 24 CONVENTION ON SPECIAL MISSIONS, THE QUALIFYING PHRASE FROM LATTER DOCUMENT QUOTE TO THE EXTENT COMPATIBLE WITH THE NATURE AND DURATION OF THE FUNCTIONS PERFORMED UNQUOTE WAS NOT INCLUDED.

7. ITALY AND JAPAN SPOKE IN FAVOR, WHILE USSR, BRAZIL AND VENEZUELA OPPOSED, WITH LATTER PUTTING CONVENTION ON NOTICE THAT IT INTENDED IN FUTURE TO VIGILANT IN GUARDING ILC TEXT FROM IMPAIRMENT. EXPERT CONSULTANT EL-ERIAN, IN RESPONSE TO QUESTION, OBSERVED THAT PRACTICE VARIES IN THIS AREA, WITH PRIVILEGES SOMETIMES GIVEN AS COURTESY WHEN NOT OBLIGATORY. SWEDEN EXPRESSED WISH,

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PAGE 02 VIENNA 01692 02 OF 02 271402Z

ORAL AMENDMENT BY NETHERLANDS, THAT COMMITTEE
RESTORE TO ARTICLE ABOVE CITED PHRASE FROM CONVEN-
TION ON SPECIAL MISSIONS. BULGARIA, BRAZIL EXPRES-
SED OPPOSITION, AND VENEZUELA ASSERTED THAT SPECIAL
MISSIONS NOT EQUAL TO DELEGATIONS, CALLING FOR ROLL
CALL VOTES ON BOTH PROPOSALS. UK AMENDMENT DEFEATED
18(US)-37-10, AS WAS NTHERRLANDS' 24(US)-39-3.
ARTICLE AS WHOLE WAS ADOPTED 53(US)-0-13.

8. ARTICLES 56 (INVIOLABILITY OF ARCHIVES AND
DOCUMENTS) AND 57 (FREEDOM OF MOVEMENT) ADOPTED
WITHOUT DISCUSSION.
9. ARTICLE 58 (FREEDOM OF COMMUNICATION). IN
SUGGESTION IDENTICAL TO KUWAITI AMENDMENT ADOPTED
FOR ARTICLE 27, UK PROPOSED AMENDING PARA 4 TO
GRANT HOST STATE THE RIGHT TO INSPECT POUCH IN
PRESENCE AUTHORIZED REP OR HAVE IT RETURNED TO
PLACE OF ORIGIN. AMENDMENT ALSO PROPOSED THAT PARA
3 BE CHANGED TO AUTHORIZED DELS TO USE MEANS OF
COMMUNICATIONS PROVIDED CONSULAR POSTS. KUWAIT,
ORIGINALLY A CO-SPONSOR, WITHDREW BEFORE AMENDMENT'S
CONSIDERATION FOLLOWING PRESSURE FORM ARAB OR
SOVIETS GROUPS. TWO ADDITIONAL AMENDMENTS PROPOSED,
ONE BY FRANCE (WITHDRAWN AT START OF DEBATE)
TO DELETE PARA 4 THROUGH 8, AND THE
OTHER BY AUSTRIA TO REQUIRE COURIER'S OFFICIAL
DOCUMENT (PARA 6) TO BE AUTHENTICATED BY THE
ORGANIZATION OR THE SECRETARIAT OF THE CONFERENCE.

10. UK PRESENTED BRIEF INTRODUCTION OF AMENDMENT,
CITING PASSAGE IDENTICAL INSPECTION PROVISION
IN PART II AND BENEFITS OF ALLOWING USE CONSULAR
BAG INASMUCH AS STATE SENDING DEL MIGHT NOT HAVE
OTHER MISSION IN STATE HOSTING CONFERENCE. GDR,
CZECHS, AND USSR MADE HIGH-PITCHED ATTACKS ON LACK
OF FAITH IMPLIED BY UK INSPECTION PROPOSAL, CLAIMING
THAT WITHOUT SUCH TRUST CONVENTION COULD NOT WORK
AND THAT ANY BREACH IN THE INVIOLABILITY OF
COMMUNICATIONS IS INTOLERABLE. LATIN AMERICANS,
ALONG WITH AFRICANS, ALSO PUT UP SOLID OPPOSITION
IN DEBATE, WITH BRAZIL ASSERTING THAT COMPROMISE
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PAGE 03 VIENNA 01692 02 OF 02 271402Z

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

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OF INVIOLABILITY WOULD VIOLATE 1000 YEAR DISTINCTION
BETWEEN DIPLOMATIC AND CONSULAR PRACTICE, AND WOULD
RURTHERMORE IMPERIL SECURITY OF COMMUNICATIONS.
PERU DELIVERED HALF-HOUR RAMBLING LECTURE ON COMMIT-
TEES ERROR IN PERMITTING INSPECTION PROVISION IN
ARTICLE 27. MUCH OPPOSITION EXPRESSED AS WELL TO-
WARDS AUSTRIAN AMENDMENT, WHICH WAS WITHDRAWN BEFORE
VOTING BEGAN.

11. ROLL CALL VOTE ON UK INSPECTION PROVISION
WAS 19(US)-34-17, WHILE CONSULAR BAG PROPOSAL
ACCEPTED 41(US)-14-13. ARTICLE AS WHOLE PASSED
57-0-22(US). INEXPLANATION OF VOTE US POINTED
OUT THAT COMMITTEE IS IN ILLOGICAL POSITION OF
HAVING GRANTED DELS GREATER INVIOLABILITY THAN
PERMANENT MISSIONS.

12. COMMENT: LATIN AMERICAN AND AFRO-ASIAN BLOCS
HAVE SOLIDIFIED AS CONVENTION PROGRESSED, WITH
BRAZIL, PERU AND VENEZUELA TAKING LEAD TO ACHIEVE
GROUP DISCIPLINE. US DEL ATTRIBUTES NEGATIVE
AND INCONGRUENT OUTCOME OF VOTE ON INSPECTION
PROVISION IN CONTRAST TO DECISION TAKEN ON
ARTICLE 27 AS BEING DUE TO THIRD-WORLD'S SENDING STATES'
EARLIER DISORGANIZATION. END COMMENT.HUMES

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